

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

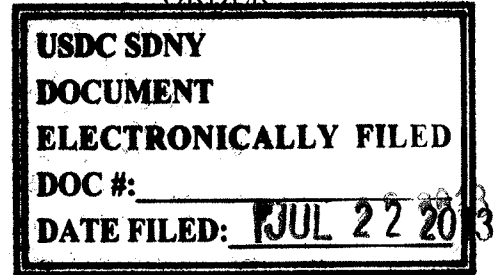
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Innovative Design and Building Services, LLC,
Plaintiff,

-v-

Arch Insurance Company,
Defendant.
-----X

12 Civ. 05474 (AJN)

ORDER



ALISON J. NATHAN, District Judge:

The Court has carefully considered Plaintiff's motion for summary judgment on eight of Defendant's twenty three affirmative defenses and concludes that there are questions of fact requiring that the motion be DENIED. "Application of equitable estoppel is generally an issue of fact, and this case is no exception." *Garrett v. Music Publ'g Co.*, 740 F. Supp. 2d 457, 464 (S.D.N.Y. 2010). At a trial, the Court will be able to make findings relevant to Defendant's equitable estoppel defense, as well as the other affirmative issues that Plaintiff seeks to have dismissed prior to a trial. A conference shall be held on August 27, 2013, at 10:30 AM to schedule a bench trial and establish a pretrial briefing schedule. Prior to the conference, the parties shall spend one hour engaged in good faith settlement discussions.

SO ORDERED.

Dated: July 22, 2013
New York, New York



ALISON J. NATHAN
United States District Judge